

State of California
AIR RESOURCES BOARD

Second Notice of Availability of Modified Text and Availability of Additional Documents

PROPOSED REGULATION TO PROVIDE CERTIFICATION FLEXIBILITY FOR INNOVATIVE HEAVY-DUTY ENGINES AND CALIFORNIA CERTIFICATION AND INSTALLATION PROCEDURES FOR MEDIUM- AND HEAVY-DUTY VEHICLE HYBRID CONVERSION SYSTEMS (INNOVATIVE TECHNOLOGY REGULATION)

Public Hearing Date: October 20, 2016
Public Availability Date: August 16, 2017
Deadline for Public Comment: August 31, 2017

At its October 20, 2016, public hearing, the Air Resources Board (ARB or Board) approved for adoption the proposed California Code of Regulations, title 13, sections 2208, 2208.1 and 2208.2 (i.e., the proposed Innovative Technology Regulation); the proposed "California Certification and Installation Procedures for Medium- and Heavy-Duty Vehicle Hybrid Conversion Systems"; proposed amendments to California Code of Regulations, title 13, section 1956.8 (i.e., Exhaust Emission Standards and Test Procedures - 1985 and Subsequent Model Heavy-Duty Engines and Vehicles); proposed amendments to "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles"; and proposed amendments to "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Otto-Cycle Engines and Vehicles."

The proposed Innovative Technology Regulation and associated test procedures would provide targeted, short-term certification flexibility for: a heavy-duty engine meeting California's optional low oxides of nitrogen (NOx) emission standards; an engine that is to be installed in a hybrid heavy-duty vehicle; a heavy-duty engine that meets the proposed regulation's optional low carbon dioxide (CO₂) emission standards; and a truck or bus hybrid aftermarket conversion system. These technologies are each expected to play a role in helping California meet its long-term air quality and climate goals, and the proposed Innovative Technology Regulation is intended to facilitate their accelerated development and commercialization by addressing some of the challenges inherent in certifying a new technology for the first time.

The Board directed the Executive Officer to determine if additional conforming modifications to the proposed regulation were appropriate, and to make any proposed modified regulatory language available for public comment, with any additional supporting documents and information, for a period of at least 15 days, as required by California Government Code Section 11346.8. The Board further directed the Executive Officer to consider written comments submitted during the public review period and make any further modifications that are appropriate available for public comment for at least 15 days, and present the regulation to the Board for further consideration if warranted, or take final action to adopt the

regulation after addressing all appropriate modifications. The resolution and all other regulatory documents for this rulemaking are available online at the following ARB website:

<https://www.arb.ca.gov/regact/2016/itr2016/itr2016.htm>

This notice is an announcement of the opening of a second 15-day comment period in which the public may provide comments on proposed modifications. The text of the modified proposed Innovative Technology Regulation is shown in Attachment 1. The text of the modified proposed “California Certification and Installation Procedures for Medium- and Heavy-Duty Vehicle Hybrid Conversion Systems” (Conversion Procedures) is shown in Attachment 2.

The Innovative Technology Regulation and Conversion Procedures, as originally proposed on October 20, 2016, are set forth in Attachments 1 and 2 in normal type. Modifications in connection with the “First Notice of Availability of Modified Text and Availability of Additional Documents” (15-Day Notice), posted on May 31, 2017, to the originally proposed language are shown in single underline to indicate additions and ~~single strikeout~~ to indicate deletions. Modifications made in connection with this second “15-Day Notice” are shown in ~~double strikethrough~~ to indicate deletions and double underline to indicate additions.

In the Final Statement of Reasons, staff will respond to all comments received on the record during the comment periods. The Administrative Procedure Act requires that staff respond to comments received regarding all noticed changes. Therefore, staff will only address comments received during this 15-day comment period that are responsive to this Notice, documents added to or removed from the record, and the changes detailed in Attachments 1 and 2.

Summary of Modifications

The following summary does not include all modifications to correct typographical or grammatical errors, changes in numbering or formatting, nor does it include all the non-substantive revisions made to improve clarity.

The following describes the modification being proposed for the Innovative Technology Regulation (Attachment 1):

- Section 2208(c)(13) is being modified to remove an unnecessary incorporation by reference of California law.

The following describes the modifications being proposed for the “California Certification and Installation Procedures for Medium- and Heavy-Duty Vehicle Hybrid Conversion Systems” (Attachment 2):

- Sections 1(a) and (b) are being modified to add a title to each subdivision which more accurately characterizes the nature of the paragraph.
- Section 1(b) is being modified to remove unnecessary incorporations by reference of California law.

- Section 5(f)(2) is being modified to correct the revision date of the incorporated document, Society of Automotive Engineers International J1979, “E/E Diagnostic Test Modes.” Although the revision date (August 2014) contained in the original proposal, posted on August 30, 2016, was correct, staff inadvertently changed it to August 2013 when making the modifications described in the first 15-Day Notice. The August 2013 revision date is incorrect as no revision was made to the incorporated document in that timeframe. Therefore, the revision date is being changed from August 2013 back to August 2014, as originally proposed.

Additionally, documents are being added to the record, below, but were already in prior versions of the regulatory and test procedure text, so no changes need to be made to the text itself to reflect this. Some documents are also being removed that did not need to be incorporated by reference, or that were no longer referenced in the document. Where these incorporations by reference were removed from the regulatory and test procedure text previously, no changes need to be made to the text itself to reflect this.

Additional Documents Incorporated by Reference to be added to the Record

The following documents are proposed for incorporation by reference:

- “California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles,” adopted December 12, 2002, as last amended [ITR Adoption Date];
- “California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Otto-Cycle Engines and Vehicles,” adopted December 27, 2000, as last amended [ITR Adoption Date];
- “California Certification and Installation Procedures for Medium- and Heavy-Duty Vehicle Hybrid Conversion Systems,” as adopted on [ITR Adoption Date];
- “California Evaporative Emission Standards and Test Procedures for 2001 and Subsequent Model Motor Vehicles,” as amended September 2, 2015;
- Title 40, Code of Federal Regulations, Part 86, Section 86.096-24, as amended April 28, 2014;
- Title 40, Code of Federal Regulations, Part 86, Section 86.004-2, as amended August 8, 2014;
- Title 40, Code of Federal Regulations, Part 86, Appendix I, as amended on October 25, 2016;
- Title 40, Code of Federal Regulations, Part 1036, Section 1036.108, as amended September 15, 2011;
- Title 40, Code of Federal Regulations, Part 1037, Section 1037.615, as amended June 17, 2013; and

Title 40, Code of Federal Regulations, Part 1065, Subpart K, as amended October 25, 2016.

These documents are available for inspection by contacting Bradley Bechtold, Regulations Coordinator, at (916) 322-6533.

Documents to be Removed from the Record

The following documents are proposed to be removed from the record:

- California Code of Regulations, title 13, section 1965, as amended October 8, 2015;
- California Code of Regulations, title 13, section 1968.2, as amended July 25, 2016;
- California Code of Regulations, title 13, section 1971.1, as amended July 25, 2016;
- California Code of Regulations, title 13, section 2112 through 2121, as amended December 5, 2014;
- Title 40, Code of Federal Regulations, Part, Section 1037.525, as amended June 17, 2013;
- Title 40, Code of Federal Regulations, Part 1065, Section 1065.1001, as amended October 25, 2016;
- Title 40, Code of Federal Regulations, Part 1065, Section 1065.1005, as amended October 25, 2016;
- Title 40, Code of Federal Regulations, Part 86, Section 86.098-24, as amended April 28, 2014;
- Title 40, Code of Federal Regulations, Part 1065, Subpart K, as amended April 28, 2014; and
- Title 40, Code of Federal Regulations, Part 86, Appendix I, as amended on April 28, 2014.

Agency Contacts

Inquiries concerning the substance of the proposed regulation, test procedures, and modifications identified in this Notice may be directed to Mr. David Chen, Manager, Advanced Emission Control Strategies Section, at (626) 350-6579.

Public Comments

Written comments will only be accepted on the modifications identified in this Notice. Comments may be submitted by postal mail or by electronic submittal no later than 5:00 p.m. on the due date to the following:

Postal mail: Clerk of the Board, Air Resources Board
1001 I Street, Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

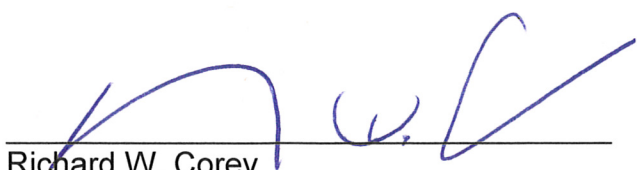
Please note that under the California Public Records Act (Gov. Code § 6250 et seq.), your written and verbal comments, attachments, and associated contact information (e.g., your address, phone, etc.) become part of the public record and can be released to the public upon request.

In order to be considered by the Executive Officer, comments must be directed to ARB in one of the two forms described above and received by ARB by 5:00 p.m. on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications shall be considered by the Executive Officer.

If you need this document in an alternate format or another language, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 no later than five (5) business days from the release date of this notice. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Si necesita este documento en un formato alternativo u otro idioma, por favor llame a la oficina del Secretario del Consejo de Recursos Atmosféricos al (916) 322-5594 o envíe un fax al (916) 322-3928 no menos de cinco (5) días laborales a partir de la fecha del lanzamiento de este aviso. Para el Servicio Telefónico de California para Personas con Problemas Auditivos, ó de teléfonos TDD pueden marcar al 711.

CALIFORNIA AIR RESOURCES BOARD



Richard W. Corey
Executive Officer

Date: August 16, 2017
Attachments